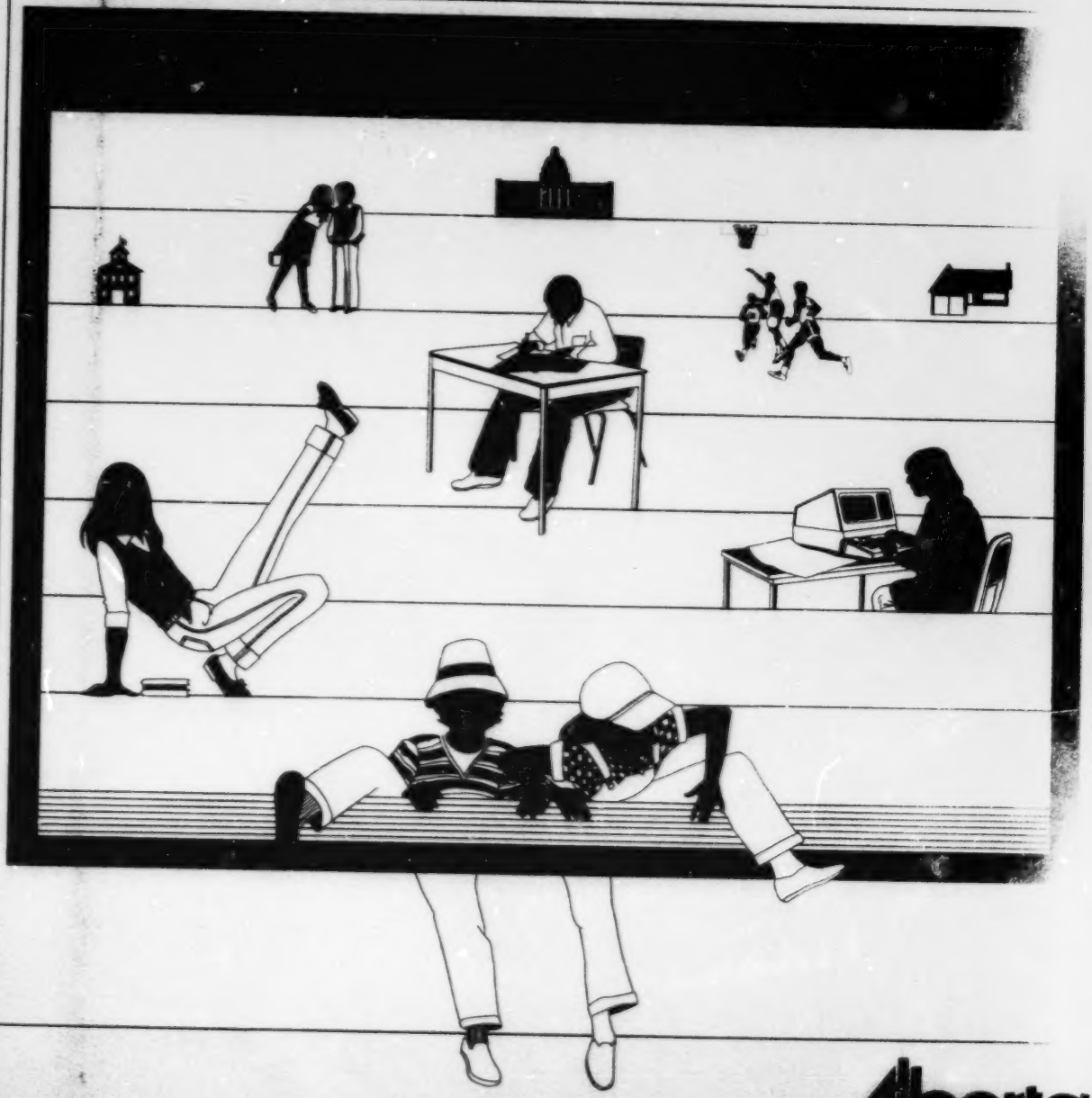

Alberta
EDUCATION

LEGISLATIVE ASSEMBLY
ALBERTA

January 11, 1985

The Honourable David King
Minister of Education
Room 319
Legislative Building
EDMONTON, Alberta
T5K 2B6

Dear Mr. King:

As Chairman of the Policy Advisory Committee for the School Act Review, I am pleased to submit a discussion paper, Proposals for Amending the School Act and Related Legislation. The Committee considers the proposals to be the major issues worthy of public debate.

The paper was prepared under the direction of the Committee, and reflects input from associations, groups and individuals generally representative of Albertans. The significant contributions of Dr. Reno Bosetti, Deputy Minister of Education, and the members of the Project Team, Sandra Smith and Brian Fennell, are appreciated.

The efforts made by the organizations and individuals who took the time to make their views known on the School Act Review are appreciated. The Committee will be inviting comment on the proposals in the document in the coming months.

Sincerely,

Myrna C. Fyfe.

Myrna Fyfe, M.L.A.
Chairman, Policy Advisory
Committee for the School
Act Review

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Introduction

In the press release issued on Thursday, February 16, 1984, Education Minister David King outlined to Albertans that the review of the *School Act* would give consideration to legislation affecting:

a) the description of the mandate of the school system;

b) the rights, responsibilities and roles of individuals and groups with respect to education; and,

c) the control of policy-making, and of the management and administration of education.

Within the context of these three broad areas of consideration, Mr. King asked that the review ensure that recommendations with respect to a system of governance embody:

a) principles of limited control, democratically exercised (as close as possible to the people directly affected by the implementation of decisions);

b) the affirmation of rights and responsibilities;

c) a statement of direction and objectives;

d) adherence to the principles of natural justice.

Focus of Review

This review focuses on the education of children. The current legislation has evolved into an administrative statute which has "the system of education" as its focus. While legislation must provide for a system of education, the "system" must evolve from a need to meet a stated purpose of education and to recognize and respond to the individual needs of the student, the needs of parents and the needs of the community and the larger society within which we live. The system of education is not, and must not become, an end in itself. Flexibility, responsiveness, access and equity are key factors in directing education towards the needs of students, parents, the community and society. It is intended that the Principles enumerated throughout this Paper reflect an orientation to meet those needs.

With these broad objectives in mind, the review has not centred around making amendments to the current legislation but rather has looked at the system of education in its entirety, including each of the parts and their interrelationship, one with the other. It has looked at the purpose of education. The Review process was premised on the belief that a Review (whether it results in change or the retention of "what is") begins with the present and moves out into the future by providing for a smooth transition between "what is" and "what might be". Thus, Discussion Paper I, released in early April, 1984 described "what is"; this Principles Paper describes "what might be"; public discussion and debate on the Principles of this paper will determine "what will be".

This Review has indicated that, generally speaking, Alberta's system of education is sound. There does not appear to be a desire to change the system in a dramatic way although a number of individuals and groups have voiced concern about the same issue or a similar issue. While some Principles in this Paper recommend a new approach in the development of the educational system, **much of the Paper is a restatement of the existing system.**

Process of Review

Following the announcement of the School Act Review, the Minister appointed a Policy Advisory Committee, chaired by Myrna Fyfe, MLA for St. Albert. The other members of the Advisory Committee are Janet Koper, MLA for Calgary Foothills; Keith Alexander, MLA for Edmonton Whitemud; John Thompson, MLA for Cardston; Ken Kowalski, MLA for Barrhead; Ed Oman, MLA for Calgary North Hill; and Walter Szwender, MLA for Edmonton Belmont.

The purpose of the Review was:

- to put before Albertans the issues relating to educational legislation;
- to examine their responses;
- to conduct research;
- to analyze the legislative framework of other systems and jurisdictions;
- to interact with the educational community;
- to integrate the views of educators with those of the general public; and,
- to make recommendations with respect to a policy framework which will become the foundation for new educational legislation in Alberta.

In considering the process of the Review, it is important to stress that the recommendations put forward by the Project Team to the Minister and the Advisory Committee were based primarily upon their educational value. Through the process of the development of public policy, the Principles contained in this paper reflect what is considered to be educationally sound and what can be supported constitutionally, socially, politically and financially.

In April, 1984 the Minister released Discussion Paper I which outlined the significant issues for consideration under the Review. The purpose of this paper was to promote discussion and debate on the current system of education with a view to soliciting recommendations from the educational community and the public-at-large which would contribute to the development of an enhanced system of education.

Following the release of Discussion Paper I, over 200 submissions were received from members of the public, community groups, individuals and groups within the educational community. These were analyzed, summarized and included in the Review's information base together with the summaries of all in-house and external studies, legal opinions, Hansard references and issues raised since the passage of the current *School Act* in 1970.

Having spent much time in considering the existing educational legislation, members of the Advisory Committee invited 23 groups within the community to meet with them for the purpose of making a direct representation to the Advisory Committee. The response of those groups which took advantage of the invitation was overwhelmingly positive. The oral presentations provided not only an opportunity to be heard directly by the policy-makers, but also an opportunity for an exchange of ideas and concerns.

To solicit public opinion further, the School Act Review participated in the Gallup Poll survey in May, 1984 and members of the Project Team visited over 20 locations throughout Alberta to join in discussion and debate on the issues.

In addition to its strong public role in the Review, the Advisory Committee has reviewed the information base collected by the Project Team and has assisted the Minister in formulating the Principles upon which it is proposed that the new School Act will be developed. Throughout the process of the Review there has been a strong interrelationship between the Project Team and the Policy Advisory Committee.

The review of the *School Act* is not an isolated initiative of the Government of Alberta. It is the vehicle through which the other initiatives in education will be formally implemented. The Management and Finance Plan (described in Appendix I), the five evaluation policies (student, teacher, program, school and school system), studied responses to various Ministerial Task Forces, the Review of Secondary School Programs, the reports of the Committee on Tolerance and Understanding and the Private Schools Study will all be considered in the development of the new legislation. The School Act Review represents the coordination and consolida-

tion of all these initiatives **which, taken together, represent a sweeping, concerted effort to effect enduring improvement of education in Alberta.**

Since the Review has impact upon certain other Government departments and agencies, a concerted effort has been made and will continue to be made to consult with those departments and agencies.

Format of the Principles Paper

The paper is divided into four parts dealing with:

1) **The Purpose of Education and the Role of Schools**

2) **The Governance of Education**
   - The Role of the Province
   - The Role of School Boards

3) **The Community**
   - The Role of Students
   - The Role of Parents
   - The Role of the Community

4) **The Delivery of Education**
   - The Role of Superintendents of Schools
   - The Role of School Principals
   - The Role of Teachers

Each part is divided into sections which describe a role for each individual or group within that part. Each section is introduced with a discussion which outlines, in summary form, the submissions received from members of the public and the educational community, the essence of our research findings, the interrelationships of the recommendations with other current initiatives in education and, where appropriate, the legal and constitutional basis for the recommended Principles. This section is followed by broad, conceptually based Role Statements for each individual or group within the system; then Principles in which recommendations which are philosophically based are introduced. These are followed by Implications which, by example, describe the possible results of adopting a particular Principle or set of Principles. The Implications are intended to be illustrative only. In the more detailed sections which describe the role of the province and the role of school boards, each individual Role Statement becomes a separate heading, under which are grouped those recommended Principles and Implications emanating from that particular Role Statement.

It is not intended that the contents of this Paper be contained in Legislation. The discussion and Role Statements are primarily a backdrop to the development of the Principles, while the Implications help to focus the Principles. The Principles, themselves, act as a screen through which the legislative provisions are developed.

The format and content of the Paper are complex. For this reason, it is advantageous to read the Paper from beginning to end prior to analyzing any specific Principle or Implication. Much of what appears later in the Paper will explain or clarify statements made earlier in the Paper and vice-versa.

one

The Purpose of Education and The Role of Schools

Discussion and Submissions

In analyzing the submissions which were received on the purpose of education, it would appear that individuals see the educational system as having a number of purposes. The purpose of education has been defined as preparing people for change, promoting the goals of a multicultural society and reflecting the religious concept of the individual.

The Secondary Program Review has devoted much energy to the development of principles on the purpose of education and the purpose of secondary schools. A need is seen for schools to prepare individuals to make choices and to meet the challenges of the future. The crucial role of the teacher in change and in the maintenance of quality education is recognized, as are the needs for strong linkages between elementary and secondary programs and for effective transition between high school and work or further education.

While recognizing the needs of individual students and their personal aspirations, education also ensures that the needs of our society are responded to through the development of well-educated individuals working and competing in sometimes highly technological environments. In this way, education has a strong public purpose. While it is recognized that education can be provided in a number of ways (through traditional public or separate schools, administered by publicly elected boards, through correspondence or other distance learning vehicles, through home schooling or through organizations which are privately structured), its purpose is directed to the needs of the individual *and* the needs of society. Increased pluralism in our society and a greater desire that the system of education respond to individual needs have created additional demands on our schools. While this Paper stresses the need for a system that is flexible and responsive, it is essential that all schools in Alberta share a common purpose. While differences within schools may reflect a certain program orientation which relates to student ability and parental choice, it is essential that different program orientations do not detract from the need for all schools in Alberta to contribute to a cohesive, well-educated society, which recognizes the needs and abilities of individuals.

In determining the Purpose of Education, it may be useful to consider the legal and constitutional framework within which education is provided in Alberta.

Section 93 of the *Constitution Act*, 1867 (formerly known as *The British North America Act*) provides for the preservation of denominational schools. This provision is replaced in Alberta by the *Alberta Act*, 1905, s.17. These statutory provisions effectively give the Legislature the exclusive jurisdiction to make laws in relation to education. This exclusive jurisdiction is subject to two limitations outlined in s.17 of the *Alberta Act*: Provincial legislation cannot prejudicially affect either the rights or privileges with regard to separate schools which supporters had under the two Ordinances of the Northwest Territories, or with respect to religious instruction in any public or separate school.

A review of the statutory provisions and case law suggests that those of the minority faith in a school district, whether Protestant or Roman Catholic, have the constitutional right to establish and support a separate school system. Additionally, the right to establish separate schools carries with it a right to provincial funding on an equitable basis. In contrast, the majority of residents, whether Protestant or Roman Catholic, together with persons of other faiths have no guarantee of decisive influence in the public schools. The educational system is designed to keep the majority of persons within the public system.

Historically, education in Alberta has been provided primarily by the system of public and separate schools. While public schools are neither Protestant

nor Roman Catholic, the guarantee of the right of the religious minority within a district, whether Protestant or Roman Catholic, to establish and maintain separate schools is a constitutional right. Schools operated by privately structured organizations have traditionally provided education within a particular ethical or values environment, although there has been some growth in recent years of the "academic school". Some private schools also serve the special needs of disabled students. While private schools serve a relatively small percentage of Alberta school children (approximately 2.6%), their development generally reflects parental desire to choose an education for their children which is reflective of a particular "philosophical community".

Irrespective of its governance structure, every school in Alberta should reflect the following common educational purpose and role:

THE PURPOSE OF EDUCATION AND THE ROLE OF SCHOOLS

1) **the ultimate aim of education is to develop the skills, knowledge and attitudes of individuals and to enhance their abilities to fulfill their personal aspirations and to make a positive contribution to society. This aim of education is a responsibility shared widely within the community;**

2) **the educational system has a particular role to play in the assurance of purposeful, quality educational opportunities which enable individuals to develop their diverse and unique abilities and understand their responsibilities. This role is accomplished primarily through "schooling," the central focus of which is on student learning;**

3) **the role of schools is to provide education as set out in the Goals of Basic Education for Alberta (as described in Appendix I) and implemented through the Early Childhood Services Program and the Programs of Studies;**

4) **it is the role of schools to focus on the natural, inquiring minds of children and to promote within them a desire for lifelong learning, which will enable them to make choices and to meet the challenges of the future.**

Principles

To a large extent, the Principles derived from the Purpose of Education and from the Role of Schools are enunciated through the individual roles of different individuals and groups which are described throughout this Paper. However, within the specific context of the Purpose of Education, these are the following general Principles:

1) **The focus of the educational system is the student. Whatever roles, rights and responsibilities are recognized for individuals and individual entities, their purpose must be directed to the benefit and welfare of children.**

2) **In determining what students learn, (Early Childhood Services and the Programs of Studies), how they learn, (teaching methods) and how well they have learned, (evaluations), the educational system must balance the needs of the individuals with those of society generally.**

3) **To permit schooling to occur outside a conventional school, any definition of school should incorporate the concept of any structured environment operating under authority of the Minister or a board, which provides students with Early Childhood Services through Grade**

12 under the supervision of qualified teachers.

4) **The system of public schools, which provides a guaranteed opportunity for the operation of separate schools, is the foundation of education in Alberta. This system provides access to educational opportunities for all students in Alberta.**

5) **In choosing a school, other than a public or separate school, parents make a choice of an education for their children within the context of the Province's role in establishing and maintaining adequate educational standards.**

6) **In the exercise of its responsibility for establishing and maintaining adequate educational standards, the Provincial Government approves education which:**

   (a) is directed towards the Goals of Basic Education for Alberta;

   (b) follows an approved Program of Studies;

   (c) employs teachers who meet the qualifications established by the Province.

Implications

The educational services provided by our schools must be closely related to individual needs and aspirations. In meeting these needs, Alberta encourages the development and maintenance of excellence in education in order:

(a) to encourage the development of individual abilities of all students to the greatest extent possible;

(b) to develop and promote strong leadership skills for the betterment of our society;

(c) to promote and develop a sense of responsibility for an individual's own well-being and that of the community; and

(d) to allow individuals to participate and compete locally, provincially, nationally and internationally.

Rather than defining a school in terms of a "school building", as in the current *School Act*, a broader definition of school would allow learning to occur in the traditional form of school, at a distance, at home, in the workplace, or outside any formal school structure. This more flexible definition would permit the integration of the school and the community and the incorporation of advances in technology to provide fair and equitable access to educational opportunities to all students, regardless of location.

Currently, the Early Childhood Services Program is not provided for under the *School Act*, but rather through a process of licensing by Ministerial Order under the *Department of Education Act*. Including the Early Childhood Services Program within the *School Act* does not make it compulsory, either in terms of individuals accessing the Program or boards offering it.

Although the Early Childhood Services Program will continue to be offered through both publicly and privately structured organizations, the following implications would result from including the Early Childhood Services Program within the school system.

(a) the current organization of Grades 1 to 12 is "age-based." By including Early Childhood Services within the lower elementary grades, it may be possible to incorporate the principles of maturity and competencies;

(b) the introduction of the Early Childhood Services model may encourage the use of processes other than the traditional teaching methods which form such an integral part of Grade 1 – 12 teaching;

(c) the concept of the interdisciplinary approach in Early Childhood Services may extend the concept of bringing the community further into the school system;

(d) the parental involvement model (the Parent Advisory Council) is already well developed at the Early Childhood Services level and may provide a model for continued parental involvement throughout the subsequent grades.

In terms of the existing categories of schools administered by private organizations, (as described in Appendix II), all schools providing education in Alberta would be required to meet the criteria set out in Principle (6) above. Unapproved schools would be required to cease operation.

All approved schools would be eligible to receive a per pupil grant, while only publicly elected boards would have the authority to raise taxes locally for support of their schools and programs.

one The Role of The Province

Discussion and Submissions

This Paper reflects the concept of a new partnership in education, which is intended to lead to a more flexible system of education at the school board level, with some provision for provincial involvement or intervention in support of provincial policy and standards. Through more flexibility it is hoped local decision-making will be optimized.

The principles of flexibility and local decision-making with provincial evaluation of the results are key ingredients of the Management and Finance Plan and the Secondary Program Review.

The submissions received on the Province's role in education generally support the view that the current division of responsibility between the Province and boards is adequate, although some need to clarify provincial powers in education is expressed. This was mentioned particularly with respect to the role of parents and their freedom of choice, and the rights and privileges of separate schools. The form and extent of delegated responsibility seems acceptable, provided that the differences in the capabilities of boards are recognized and provided that trustees accept the role of the Province in setting educational policies and establishing standards. Generally speaking, the submissions support retention of the Province's authority over the establishment of school boards, the determination of curriculum and the certification of results. There does not appear to be a strong lobby to shift the current balance too dramatically, although a number of submissions supported the review process as a means for clarifying respective roles and responsibilities.

The constitutional authority of the Province to legislate in the area of education derives from s.93 of the *Constitution Act*, 1867 and s.17 of the *Alberta Act*. It is the nature of the Canadian Constitution that it varies to some extent from province to province. While the *Alberta Act* applies specifically to Alberta, it is not provincial legislation and cannot be amended by the Provincial Legislature.

School boards are created through the provisions of the current *School Act*, which does not constitutionally guarantee their existence. Rather, the Province chooses to delegate certain of its powers to local jurisdictions. However, the *Constitution Act*, 1867 and the *Alberta Act*, 1905 provide some measure of constitutional guarantee for separate school systems.

The extent of this delegated authority is not immutable and can be varied by amendment to the *School Act*. On the other hand, the authority of the Province does not derive through delegated power, but through the provision of original, constitutional and exclusive jurisdiction over education under the *Constitution Act*, 1867.

Under the current *School Act*, the Province retains its constitutional responsibility for education, while delegating the general administrative responsibility for the running of schools to locally elected school boards. In effect, the Province has established a *trust relationship* with school boards. The Province (as Trustor) has set out the terms and conditions of the Trust (through the provisions of the *School Act* and related legislation) to be performed by the school boards (as Trustees), for the benefit of the beneficiaries (the Students and Society). One of the conditions is that the Province does not appoint the trustees but provides for an electoral process through the *School Act* and the *Local Authorities Election Act*. Through this process of election and through the right of boards to requisition taxes for the support of education, the Province provides for residents of local jurisdictions to choose the individuals who will perform the terms and conditions outlined in the *School Act*.

While school boards are individual corporate entities, they are not inherently autonomous. The Province cannot abdicate its constitutional responsibility over education by the process of delegation.

As part of its constitutional responsibility for education, the Province, in determining its role, must safeguard the public interest in creating and protecting an educated society for the betterment of society, and must ensure protection of individual rights and interests, particularly those of children. The Province cannot delegate all of its constitutional responsibility to school boards, nor can it delegate its responsibility to ensure the guarantee of individual rights and freedoms.

THE ROLE OF THE PROVINCE

1) **to establish the legal framework for education;**
2) **to provide the equitable means for the development, administration and delivery of educational services;**
3) **to protect the public interest in education and ensure protection of individual rights, including the constitutional rights of individuals within the system of education;**
4) **to establish province-wide educational policy and to be accountable to the public for that policy;**
5) **to ensure a fair and equitable access to education for students subject only to reasonable limitations.**

Role (1) of the Province

to establish the legal framework for education:

The *Constitution Act*, 1867, the *Alberta Act*, 1905 and the *Constitution Act*, 1982 provide an overall constitutional and legal framework within which education is provided in Alberta. The current Provincial legal framework for education in Alberta is provided primarily through the *School Act*, the *Department of Education Act*, the *Northland School Division Act*, the *School Buildings Act* and the *Teaching Profession Act*. With respect to specific educational roles and interests, the *Alberta School Trustees Association Act*, the *Metis Betterment Act* and the *Teacher Retirement Fund Act* also contribute to the educational legal framework. Indirectly, the *County Act*, the *Local Authorities Election Act* and the *Alberta Planning Act* have significant input into the governance and administration of school jurisdictions.

The two pieces of legislation which have the most general application to education are the *Department of Education Act* and the *School Act*. The *Department of Education Act* creates the Department of Education under authority of the Minister of Education and generally deals with the ultimate authority of the Minister with respect to all constituents in the educational system. Through a process of delegation of authority, members of the Department relate to the Minister through the *Department of Education Act*. The *School Act*, on the other hand, describes the relationship of the Minister to students, parents and school jurisdictions and provides for the system of administration and financing of education in Alberta.

The *School Buildings Act* establishes a system for the approval of school building construction in the Province.

Principles Relating to Role (1) of the Province

1) **The Province retains primary legislative responsibility for a) the establishment of schools and school jurisdictions; b) the development of Programs of Studies; c) the implementation of a system of evaluation which will ensure adherence to the areas of provincial responsibility; d) the**

certification of teachers, and e) the establishment of financial support systems for school jurisdictions.

2) **All legislative provisions relating to the establishment and operation of all schools and the establishment of school authorities should as much as possible be brought together within one *School Act*.**

3) **Current legislative provisions which do not relate to the establishment and operation of schools or those which unnecessarily limit the administrative authority of school boards should be excluded from the *School Act*.**

4) **In providing for a system which is flexible and responsive to change, the legislation should contain minimal provisions that are primarily administrative or procedural.**

5) **Where necessary, regulations of the Lieutenant Governor in Council and the Minister should enable the development of policies which set out the terms and conditions under which educational services are provided to students.**

Implications of Role (1) of the Province

Some implications of these recommended Principles would be to include in the *School Act* legislative provisions relating to the Early Childhood Services Program and private schools, together with public and separate schools within the definition of schooling, and to include school building construction.

While conditions relating to the employment and economic welfare of teachers, principals and superintendents would be more appropriately provided for through some other legislative or contractual vehicle, such as the *Teaching Profession Act*, the *Employment Standards Act* or the collective bargaining process, the current disputes resolution mechanism (the Board of Reference*) is appropriately included in the *School Act*.

Consistent with the principles of the Management and Finance Plan, a system of deregulation and a system of management based on policy, guidelines and procedures would be initiated to provide greater flexibility and accountability at the school board level.

Role (2) of the Province

to provide the means for the development, administration, and delivery of education services:

This particular role of the Province incorporates the Province's responsibility for curriculum development and the Programs of Studies, the entire system of establishment of educational units, whether publicly or privately established, the financing of education, both in terms of the raising of monies for the support of education and the redistribution of these monies to school authorities, and the provision of services incidental to the teaching function. This role recognizes that jurisdictions within the Province are treated equitably, despite the fact that from one part of the Province to another disparities result from the remoteness of location, sparseness of population and disparity in tax assessment. To that extent, this is a complex, detailed role which transcends the entire structure of education throughout the Province. This role also interrelates the Province's role in education with the roles, rights and responsibilities of all the other entities within the educational system.

*A Board of Reference is a quasi-judicial body, which hears disputes between teachers and school boards on the designation of appointments and termination of employment of teachers and principals.

Principles Relating to Role (2) of the Province

1) The Province retains control over the determination of what is taught in the schools and of the overall management of education.

2) The Province endorses the continuation of locally-elected school boards, which are accountable to the Province (through the principle of delegated authority) and to the local electorate.

3) In support of a principle which recognizes parental choice, the Province recognizes that education may be delivered in a variety of ways.

4) The Province reaffirms that educational services provided through the public system of education should continue to be financed by provincial and local revenues.

5) Because education is a constitutional responsibility of the Province, and since the Province has access to a larger source of revenues, it is a provincial responsibility to provide the major share of funding for local school jurisdictions.

6) School jurisdictions should have the opportunity to requisition property taxes for the financing of public schools without being subject to provincial controls.

7) The overall stewardship of the Province for public monies requires that the Province retain the capacity to place limitations on the fiscal authority of school boards to borrow or spend money.

8) In consideration of its responsibility for the provision of equitable funding within the system, the Provincial Government redistributes certain revenues across the Province. In recognition of this Principle, consideration should be given to the provincial collection and redistribution of Electric Power and Pipeline assessment on an equitable basis.

9) The Province provides funding to school jurisdictions for transportation, modernization of schools and for the construction of new schools in accordance with the following principles:

   1) the fostering of local discretion in planning for additional space requirements;

   2) the provision for financial equity among school jurisdictions when meeting the costs of modernization and construction;

   3) the optimal use of existing space;

   4) the provision of new space where no space is available and where other alternatives do not exist;

   5) the re-use of excess school space;

   6) the use of a provincial support price that reflects current economic conditions; and

   7) the sharing of physical facilities by school jurisdictions.

10) In determining the size of a school jurisdiction, its boundaries should be determined on the basis of what is educationaliy sound and economically viable.

11) The process by which school trustees are elected, and the method of determining the number of trustees on each school

board, should be flexible enough to take into account the varying geographic size of districts and the numbers of students served.

Implications of Role (2) of the Province

Through its responsibility for curriculum, the Province provides for

1) the development of Programs of Studies, which provide for provincial curricula and provincially approved, locally developed curricula;

2) the authorization of instructional materials and learning resources;

3) the establishment of curriculum guides and support documents;

4) teacher in-service;

5) the evaluation of curriculum.

While, in principle, the Province supports local jurisdictions having access to the property tax base, the Province retains access to the corporate property tax*. This access recognizes that the benefit of industrial activity should be shared on a regional or provincial basis and not simply on a jurisdictional basis. These revenues assist in providing some measure of equity.

The fiscal year of school boards should be consistent with the school year*.

*The Corporate Property Tax is a provincial levy on non-residential property which municipalities are required to pay into the School Foundation Program Fund. School boards may also requisition taxes on non-residential property.

*A fifteen member Committee is currently examining the fiscal year of school boards.

A number of benefits derive from having the fiscal year consistent with the school year:

a) the Government's approach to financing is simplified, and the announcement of grants for education will be congruent with other government departments;

b) program planning and fiscal planning will be consistent;

It is not intended that the Review of the *School Act* will deal with the matter of school boundaries. The question of school jurisdiction boundaries must be addressed within the context of a comprehensive review of municipal and school jurisdiction boundaries.

Within the concept of greater flexibility, the present limitation on the number of trustees would be removed. Although a minimum number would be established, the limit on the size of a board could vary from district to district according to the number of students served and the geographical size of the district. This would enable Edmonton and Calgary to establish larger boards more representative of the many students and school communities they serve. By increasing the flexibility in the process of electing trustees, models such as the "ward system" may be used in some jurisdictions.

Role (3) of the Province

to protect the public interest in education and ensure protection of individual rights, including the constitutional rights of individuals within the system of education:

In the protection of the rights of individuals within the system, it is important to consider *each* student as an individual with unique and diverse interests and capabilities in order that the system may develop the abilities of students "to fulfill their per-

sonal aspirations and to make a positive contribution to society."

In addition, certain individuals have constitutionally guaranteed rights. For example, the Province must provide specifically for access to an education for children of those parents to whom s.23 of the *Canadian Charter of Rights and Freedoms* extends minority language rights.

Principles Relating to Role (3) of the Province

1) **The Province will ensure that individuals within the system are not in a position where the financial interest of the individual would conflict with the public interest and the principle of stewardship. To this end, a school trustee should refrain from influencing and voting on a school board decision where the trustee has a significant direct or indirect personal financial interest in the outcome of the decision.**

2) **Each student is considered an unique individual with particular needs to which the Programs of Studies must *reasonably* respond.**

3) **While all students have particular needs, the educational system recognizes the "special needs" of some students. Special needs students can be found on a continuum from the severely multi-handicapped to the gifted, each with particular and different educational needs. In addition, a "special need" may be recognized on the basis of isolation or other circumstances of the student. To make it possible for these children to receive an education commensurate with their potential requires a commitment from the Province and school jurisdictions to provide adequate facilities, programs, resources and specialized teaching and training methods.**

4) **The Province recognizes a particular leadership role in providing for those students who have particular needs not addressed by regular programming.**

5) **The Province guarantees the provision of educational services to children of Alberta residents eligible under section 23 of the *Canadian Charter of Rights and Freedoms* to receive instruction in the French language.**

6) **The Province further encourages appropriate opportunities for other students to receive instruction in the French and other languages.**

Implications of Role (3) of the Province

Conflict of interest is a complex subject which has implications for all employees of school boards and their family members. The general conflict of interest principle would, for example, allow spouses of teachers to continue to sit on school boards provided that they do not vote on those elements of the collective agreement for teachers which are of a financial nature. The adoption of this Principle would not preclude individual teachers from sitting on a board (unless an employee of the same board), provided they do not vote on financial matters in which they have an interest as members of Alberta Teachers' Association, which is a signatory to each collective agreement throughout the Province. Individual teachers may have an indirect personal financial interest in any collective agreement between a board and the Alberta Teachers' Association.

Special Needs

Special needs students are those who are gifted and talented and those who are handicapped, including institutional students, sensory multi-disabled students, physically or learning disabled students, mentally disabled, behaviourally disordered, educationally disadvantaged students (which includes students with regional differences, language or cultural differences), and the adult learner. Within this wide definition of "special needs students" the implications are extensive:

1) to meet individual programming needs, the School Foundation Program Fund grant is established on a per pupil basis.

2) to assist school boards in meeting their responsibility to meet these special needs over and above the individual needs of students, the Province provides funding through special education grants, vocational grants, Educational Opportunities Fund grants, official and other language grants, and school extension grants.

French Language Education Services

One major implication of these Principles is that school boards must provide minority language educational services to those eligible under section 23 of the *Charter*, whether directly or through tuition agreements.

For the purpose of determining "where numbers warrant" for the establishment of a distinct minority language educational facility, school boards will determine an appropriate number, having regard to the particular needs of the local community and neighbouring school jurisdictions. Immersion classes could be conducted in such a facility.

Consistent with English-language programs, instructional programs offered in a French-language educational facility would require the approval of the Province.

As outlined in the Role Statement of the Province, the Province would provide appropriate educational funding for French language education and would provide Programs of Studies and related service publications.

Role (4) of the Province

to establish province-wide educational policy and to be accountable to the public for that policy:

Education clearly has a public purpose. It is a vital factor in the growth and development of a society and its prosperity. In that education absorbs a great deal of public money, the Province has a major role in ensuring that there are appropriate systems of stewardship for the management and accounting of public funding.

Principles Relating to Role (4) of the Province

1) **As part of its leadership role in education, the Province will ensure the establishment of management systems, policies and objectives for the management of education, both provincially and locally.**

2) **Through the process of planning, and having the fiscal year of school boards coincide with the school year, there will be a strengthening of the relationship between programming and financing in education.**

Implications of Role (4) of the Province

1) The development of the Management and Finance Plan is a recognition that Alberta Education must play a leadership role in education with the development of policy, guidelines and procedures for the monitoring, evaluating and reporting of education results. Similarly, school jurisdictions are accountable for the planning and provision of educational programs to meet changing needs, and for the achievement of educational results.

2) A process of planning and the development of policies at the school board level will encourage jurisdictions to explore appropriate methods for the delivery of educational services and will assist school boards in responding to change.

Role (5) of the Province

to ensure a fair and equitable access to education for students subject only to reasonable limitations:

In addition to the individual needs of all students, discussed under Role (3) of the Province, the demography of Alberta creates certain unique challenges for the educational system in meeting the needs of students to have access to educational opportunities in all regions of the Province. In addition to the direct provision of services, school boards meet those needs through tuition agreements. The Province assists school jurisdictions through the provision of transportation grants and through the provision of grants for the maintenance of students away from home.

Principles of Role (5) of the Province

1) **To ensure equitable access to educational services for all students, the Province provides transportation funding to school jurisdictions based on defined provincial policy.**

Implications of Role (5) of the Province

The need to provide transportation to students is a shared responsibility between the Province and school jurisdictions.

two The Role of School Boards

Discussion and Submissions

The Province supports the concept of locally elected, accountable school boards charged with the provision of educational services within the community. Within the concept of more flexibility in decision-making at the local level, a number of submissions recommend an increase in the delegation of authority from the Province to school boards. Similarly, school boards are encouraged to consider further administrative delegation to local schools and school councils or other parent groups.

The submissions are not consistent in their recommendations for a role of school boards. Some are of the view that a board's authority is already too wide, while others recommend more control at the local level. However, those who express concern over increasing the power of school boards may have their concerns satisfied by the concept of a "shared responsibility" where parents, students, the community and others would actively participate in the exercise of additional delegated responsibility.

Again, views seem to be mixed on whether local school jurisdictions should have sufficient authority to establish educational services at times and by means which fit the local community needs. A desire for more consistency of school year and programming is clearly expressed.

The Secondary Program Review supports the need for more flexibility within a school jurisdiction.

The fundamental principles of the Management and Finance Plan support the concept of additional responsibility both in the use of funds, and in the school board level development of policy and procedures which are consistent with the broad policies developed at the provincial level. The accountability of Boards for "results", required by the Management and Finance Plan, is consistent with a higher degree of local responsibility for the delivery of educational services.

In comparing the systems of governance in other provinces in Canada, it would appear that the establishment of local school boards having varying degrees of autonomy is the norm. Their numbers and their relationship to the Department of Education vary from province to province.

THE ROLE OF SCHOOL BOARDS

1) **through responsibility delegated to them by the Province, locally elected School Boards, which are accountable to the electorate and to the Province, are responsible for the administration and provision of educational services to all students within their jurisdiction;**

2) **school boards have a role to play in their contribution to the development of provincial educational policy, in addition to their major role in the development of local educational policy, which meets individual local needs;**

3) **school boards have a responsibility to provide educational services and the Province has provided the authority to raise monies locally to meet this responsibility;**

4) **school boards have a responsibility to recognize in equitable ways, the significant role of parents, students, the community and others in the provision of educational services at the local level.**

Role (1) of School Boards

Through responsibility delegated to them by the Province, locally elected school boards, which

are accountable to the electorate and to the Province, are responsible for the administration and provision of educational services to all students within their jurisdiction:

Principles Relating to Role (1) of School Boards

1) **A board's primary responsibility is to ensure that each "resident student" is provided access to equitable educational opportunities. In the exercise of this mandate, school boards must provide for the special needs of students.**

2) **School boards are charged with the responsibility for the management and administration of public and separate schools.**

3) **There should be no differentiation among the boards of districts, divisions and counties with respect to the responsibilities delegated to the boards by the Province.**

4) **School boards should be required to provide instruction in schools for a minimum number of days per school year and a minimum number of hours per day.**

5) **School boards should accommodate a wide diversity of parental expectations and aspirations within the context of the common purpose of education.**

6) **In performing this role school boards have a responsibility to act in a way that is consistent with the principles of fundamental justice and provincial policy.**

Implications of Role (1) of School Boards

In order to ensure access to equitable educational opportunities, school boards would provide transportation for any resident pupil at no direct charge to the parent, where the pupil is directed to attend a school where the distance or pupil handicap makes it unreasonable for the pupil to walk to school.

Through the provision of grants provided by the Province, School Boards may be required to provide boarding allowances to the parents of students who access educational opportunities away from home where the students have been directed by the board to attend that particular school.

School Boards would be responsible for:

(1) the establishment, operation and closure of schools subject to the need for fair administrative procedures;

(2) the employment of all employees including superintendents, principals and teachers, while the Minister is responsible for the setting of qualifications for superintendents, principals and teachers;

(3) ensuring that there is adherence to the Programs of Studies, developed by the Province and applied within a local context;

(4) as part of its administration of educational services, to ensure adequate systems of evaluation of students, teachers, schools, programs and systems consistent with provincial policy;

(5) entering into agreements with other parties with respect to the provision of educational services without Ministerial approval (except for large capital expenditures);

(6) setting the school day, the school year and school holidays, subject to the responsibility of the Province to set minimum hours of instruction and minimum number of days per year.

All school boards, irrespective of their size, the number of students they serve, and the geographical size of the jurisdiction, are expected to meet the same responsibilities. Recognizing that Boards may vary with respect to the resources available to meet their obligations, they should cooperate with one another in order to improve the quality of their programs.

In its commitment to strengthen the public school system, the Province supports the provision of programs of choice within the public school system. All public schools do *not* have to be exactly alike. Through a particular program orientation a school system can establish programs within the system that reflect the values and aspirations of the community.

Schools which offer programs of choice may include community schools, French-language educational facilities, academic schools and schools for the handicapped, gifted, and vocational schools. "Home schooling" should be considered as a "program of choice" operated under the authority, supervision and evaluation of a school jurisdiction. However, programs of choice should *not* be used as a means of bringing private schools within the public system. Private schools should remain private.

Programs of choice may cost additional monies to operate. Parents *may* be required to meet additional costs through some form of tuition fee. For the purpose of "home schooling", students would be considered "resident pupils" for the receiving of grants. No monies would transfer from the Board to the parents although an agreement setting out the terms and conditions of home schooling must be in place between the board and parent.

Role (2) of School Boards

School boards have a role to play in their contribution to the development of provincial educational policy in addition to their major role in the development of local educational policy which meets individual local needs:

Principles Relating to Role (2) of School Boards

1) **School boards would be required to make available to the public such information on the affairs of the board as may reasonably facilitate public scrutiny of school board policy decisions.**

2) **Local school boards are accountable to the Province and their electorates for their fiscal management of all monies received and disbursed in the management and administration of schools, whether or not these monies derive from grants, local requisitions, tuition fees or some other source.**

3) **School boards are responsible for program and financial planning.**

4) **School boards are responsible for the development of their own individual educational plan to meet local needs, within the context of provincial responsibility for the Programs of Studies and provincial educational policy.**

Implications of Role (2) of School Boards

The principles of the Management and Finance Plan outline in detail the procedural implications of school boards developing fiscal and educational plan-

ning, consistent with the policy, guidelines and procedures set out in the Management and Finance Plan. Through joint fiscal and educational planning, there should be some discernible relationship established between fiscal planning and program planning to meet local needs.

Public access to such information as Annual Reports, minutes of board meetings, budgets, audited financial statements and by-laws supports the principle of public accountability through a democratic process.

Role (3) of School Boards

School boards have a responsibility to provide educational services and the Province has provided the authority to raise monies locally to meet this responsibility:

Principles Relating to Role (3) of School Boards

1) **School boards assist in meeting the particular needs of students through the local financing of education.**

2) **Local Requisitions**

   (a) **Consistent with the constitutional guarantees to supporters of the minority faith, *faith* shall continue to be the basis of determining whether taxes on residential or non-residential property shall be allocated to the public or separate school boards, where that property is registered in the name of an individual or individuals.**

   (b) **Where residential or non-residential property is held jointly or in common by a person or persons of the minority faith along with a person or persons of another faith or faiths, the tax revenue will be apportioned on the basis of faith in proportion to the percentage of ownership.**

   (c) **Any property, whether residential or non-residential, which is registered in the name of a corporation shall be subject to assessment by the municipality or county and redistributed to the public and separate school jurisdictions on the basis of pupil apportionment and not on the basis of faith.**

   (d) **School boards should not be subject to provincial controls on supplementary requisitions.**

3) **Tuition Fees**
   Any school jurisdiction has the right to levy a tuition fee and enter into tuition agreements for the provision of educational services to non-resident pupils.

4) **School boards have a responsibility to develop, operate and contribute to the cost of transportation of their resident students.**

Implications of Role (3) of School Boards

To ensure consistency, a *Declaration of Faith* or some other form of *Affidavit* should be built into Provincial Regulations. This statement would become the basis of determining the direction of taxes, voting, petitions and election to office. The only question that need be addressed on such a *Declaration* is whether or not the individual property owner is of the minority faith.

The redistribution of the corporate tax requisition will introduce a measure of equity within jurisdictions. However, Chapter 30 of the *Northwest Ter-*

ritories Ordinances, sections 9 & 93, provides that corporate shareholders who are of the faith of the minority in a particular jurisdiction, have a right to designate their proportionate share of taxes to the separate school system. Principle 1(c) above, therefore cannot operate to affect prejudicially the rights of these shareholders. Any change in the *School Act* would have to recognize this constitutional right.

To accommodate the right of a receiving school jurisdiction to levy a tuition fee for non-resident students:

(a) all unorganized territories should be included within school divisions or counties;

(b) school boards may charge the sending school district, whether public or separate, or the parent, depending on who directed the student;

(c) persons other than status Indians living on reserves are responsible for the payment of tuition fees.

Role (4) of School Boards

School boards have a responsibility to recognize the significant role of parents, students, the community and others in the provision of educational services at the local level:

Principles Relating to Role (4) of School Boards

1) **School boards must recognize and participate in the partnership in education in a way that will provide for meaningful input for parents, students, the community and teachers with respect to decisions of the board.**

2) **School boards must provide for a delegation of specific administrative responsibilities to school principals in order to allow local schools to reflect the needs of a particular community and to enhance the role and responsiblity of the school principal.**

Implications of Role (4) of School Boards

To reflect a "shared responsibility" for the provision of educational services, school boards may establish Parent Advisory Councils and Local School Councils.

In cooperation with the Province, school boards should direct the training of principals to meet the needs described in Part IV, the Role of the Principal, and should adjust their hiring policies and practices to reflect the changing role for school principals.

one

The Role of Students

Discussion and Submissions

As discussed in section II, the rights extended to students to a large extent are enforced through their parents, as trustees of students' rights. However, where a parent fails to exercise the rights of students or exercises them in a way that is detrimental to the student, the students' rights are not thereby cancelled.

The submissions seem to reflect mixed opinion with respect to students' rights. The right to an education is considered by many to be absolute. To others, education is not an absolute right but one that requires students and parents to accept their mutual obligations. The perennial debate as to whether a right to an education is a right to an adequate education or a right to an appropriate education is evidenced by the mixed opinions contained in the submissions. Advocates of rights for mentally and physically disabled students view the right as a right to appropriate education. Again, opinion is varied as to whether students in secondary school should have a right to participate directly in educational decisions which will affect their futures. Educators generally seem concerned about the extension of rights to students.

Clearly there exists in today's society a right to be educated. The extent of that right, however, is more difficult to define. The *Individual Rights Protection Act* extends protection to physically disabled students with discussions currently taking place on extending its protection to mentally disabled students. On proclamation of section 15 of the *Canadian Charter of Rights and Freedoms* in April, 1985, the concept of equal benefit before and under the law will be entrenched in our law. Section 15 directly addresses equality for physically and mentally disabled persons and may have implications for the education of the bright and gifted student.

THE ROLE OF STUDENTS

1) **students have a responsibility to participate to the limit of their ability in the educational opportunities made available to them;**

2) **students have a responsibility to abide by the rules of the school and to respect the rights of others.**

Principles

Principles relating to the right of students to access equitable educational opportunities have been enumerated under Part II (The Role of School Boards), while the matters of truancy and "students' welfare" are discussed under section II (The Role of Parents).

1) **The student, who is the focus of the educational system, has a right of access to equitable educational opportunities.**

2) **In considering the rights and responsibilities of any individual or group within the educational system, the educational well-being of students is paramount.**

3) **Significant decisions, such as those that relate to placement of a *particular* student, should be made in consultation with that student's parent or guardian. Where appropriate, the student should be included as part of the consultation process.**

4) **Students should be required to complete a minimum standard of education achieved through regular participation in an approved program.**

Implications

One major implication of Principle (4) above is the matter of compulsory education.

Currently the *School Act* provides that all children between the ages of 6 and 16 must attend school unless they have a lawful excuse (as defined in the *School Act*). Most countries of the world struggle for just this form of compulsory school attendance and it is important to stress that the implication raised in this Principle is not one which recommends that education become optional in Alberta. Rather, it is one that directs its attention to the measurement of skills and knowledge than to the measurement of a predetermined period of attendance.

The orientation of our education system to an "age-base" is considered by some to be arbitrary in that one six-year-old child might have been ready for Grade 1 at an earlier age, while another child of the same age might benefit from an extended Early Childhood Services Program prior to entering Grade 1. An age-based system may also be judged to be discriminatory under section 15 of the *Charter* which provides that every individual has the right to equal benefit of the law without discrimination as to . . . "age". Similarly, the concept of an education possibly coming to an end when a student reaches the age of 16 has been brought into question.

Instead of a concept of "compulsory attendance" at school within a certain age range, a concept of compulsory attendance based upon enrollment and regular attendance in an approved program until completion of a minimum education standard could be considered; (that minimum level, for example, may be Grade 9). Any move, however, towards a concept of "compulsory education" must recognize that some students simply will not or cannot achieve such standards. A process must be in place, therefore, to accommodate these students. It is important to recognize that compulsory education has implications for an extended learning time frame for disabled students. Such a concept may also have implications for integration of the adult learner into the regular school system together with the payment of grants for adults.

two

The Role of Parents

Discussion and Submissions

In considering the role of parents in the education of their children there is a need to consider the concept of "a new partnership" in education. Such a partnership implies participation in a shared responsibility for a number of individuals and groups in the education of children, rather than a concept which specifies exclusive rights for each individual or group with respect to the education of children. Clearly these recommendations envisage a key role for parents both in terms of their rights and corresponding obligations. Parents, as guardians of their children, are the trustees of the rights of their children. It is because of this special relationship between parent and child that there is a direct role for parents in the education of their children. Parents also have a role to play in education as members of the community. That role is described under section III, the Role of the Community.

Numerous submissions were received on the subject of parents' rights, but fewer recommendations with respect to their responsibilities. Some of the submissions support parents having the sole authority over their children's education through a belief that their right to educate their children is an extension of their religious freedom. Some argue that the right is absolute. Some see the current role of the Province in education as "unwarranted bureaucratic harassment". Most of the submissions seem to centre around the concept of "parental choice" of an education for their children and, generally speaking, that choice is contingent upon it being acceptable in terms of programs and teachers. The educational community seems concerned about the *School Act* recognizing rights and responsibilities of parents. Generally, it recommends that parental involvement be handled at the school board level. Some educators see the choice of private schooling incorporating the responsibility of paying for that choice. To ensure full parental choice there has been a recommendation that a third alternative board should be created "where numbers warrant."

Parents do have a right and a responsibility to educate their children. The right, however, is not in conflict with the Province's exclusive jurisdiction over education, as neither authority operates as an absolute right. Any recognition of the right of parents to educate their children does not envisage parents exercising that right to the detriment of their children. The concept of a parent's absolute right in the exercise of his/her freedom of religion as it pertains to education has been rejected by the Courts*, although this matter will go before the Supreme Court of Canada in the near future. The question has been raised as to whether the freedom of religion provision in the *Alberta Bill of Rights* is the right of an individual to adhere to certain religious beliefs or the right to be educated in a certain religious environment.

Although the current *School Act* does not recognize a role for parents, it is likely that the Courts would extend certain rights to parents. While the *Canadian Charter of Rights and Freedoms* (s.7) may require that parents have an opportunity to be heard on any decision which may affect their children, any rights which may be accorded to parents would likely be subject to those limitations which may be "demonstrably justified in a free and democratic society" (s.1 *Canadian Charter of Rights and Freedoms*). Independent of the nature or extent of parents' "rights", there is a need to stress the essential nature of communication between the home and the school.

Regina v. Jones, 1984.

THE ROLE OF PARENTS

1) **as trustee and guardian of the rights of their children it is the responsibility of parents to protect the interests of their children;**

2) **subject to the Province's role in establishing and maintaining adequate educational standards and the role of School Boards in providing educational services, it is the primary right of parents to choose the education of their children;**

3) **parents have a responsibility to participate in the education of their children;**

4) **parents have an obligation to ensure that their children participate in the educational system.**

Principles

1) **If parents are to have a choice in the education of their children, there should be an opportunity for the system of education to provide choices. The opportunity to provide approved programs of choice should be continued within the public system; and private schools that meet certain criteria should be approved. "Home schooling" should be permitted, where necessary, subject to the Province's responsibility for programs, teaching qualifications and an appropriate system of evaluation.**

2) **In making certain choices, parents *may* have to make a direct financial contribution to the educational and transportation costs of a particular program or school. This is not to imply that access to an adequate education would be denied.**

3) **The means through which parents may exercise their rights and perform their responsibilities should be established.**

4) **In order to participate as informed members of the "partnership in education", parents should have access to current student records and test results of their child and should have the opportunity to obtain professional interpretation of these results.**

5) **Where parents disagree with a pupil placement decision, there should be a system of appeals.**

6) **Parents, along with their children, are accountable for truancy.**

Implications

Many of the Implications of these Principles are discussed in other sections of this paper, but two remain to be addressed; appeals and the matter of truancy.

1) **Appeals**

Perhaps one of the more emotional issues under the School Act Review is the matter of resolution of parent-board conflicts. With one exception the submissions supported the establishment of an appeal mechanism to hear appeals of students and parents without immediate redress to the Courts. There have been some submissions suggesting the appointment of an educational ombudsman to act as a children's advocate. Generally, school boards recognize the need for an appeal hearing, but do not favour the creation of an appeal body independent of school boards. They see the Office of the Minister as the appropriate appeal for the resolution of disputes between parents and boards. The current legislation

provides for no method of disputes resolution on student placement.

In reviewing appeal mechanisms in place in other provinces, it would appear that only Saskatchewan and Ontario have established formal procedures, although Quebec is considering moving in this direction. New Brunswick, Nova Scotia, and Prince Edward Island do not perceive a need for the establishment of a formalized appeal committee. The Atlantic Education Authority deals with cases of dispute between parents and boards. In British Columbia, Manitoba and Newfoundland, appeals are heard by the Minister of Education.

The possible implications of providing such a mechanism for the resolution of some disputes are:

1) Within the context of Provincial Policy, boards would establish and publish policy, guidelines and procedures for the hearing of disputes with respect to student placement.

2) Within this policy there would be provision for the appointment of a local appeal committee, appointed by the board and advisory to the board. This Appeal Committee would be comprised of person(s) who are not members or employees of the board and who are capable of providing a fair and impartial hearing to parents. Members of the Committee would be professionally competent to make recommendations on student placement.

3) The Province would establish a Provincial Appeal Body, comprised of persons appointed by the Minister, whose function would be to hear appeals on procedural grounds only. The member or members of this Body should be competent to determine matters of procedure rather than having specific competency in student placement.

4) Where a parent is of the opinion that the policies of the board did not provide for a fair and impartial hearing or that the board did not adhere to its own policies in making its decision, the parent should be able to appeal to the Provincial Appeal Body on the basis of procedural fairness. If the Appeal Body supports the opinion of the parent, the matter should be sent back for a rehearing by the Local Appeal Committee.

2) **Truancy**

Since individuals would be required to attend school until they have attained a minimum level of education (see section I the Role of Students), some method of ensuring adherence to the compulsory education requirement will be necessary. The Courts consider truancy to be a matter that is more appropriately handled outside their jurisdiction. The ultimate authority of the Courts should probably be retained, but **only as a last and final resort.**

While the matter of truancy is primarily a responsibility of students and parents, school boards have a responsibility to ensure students attend an approved program, and should be required to establish policy, guidelines and procedures which will direct administrators with respect to their initial contact with the student's home and their investigations on the subject.

Clearly, truancy is a matter which is more appropriately handled at the local level. However, where the school and school jurisdictions have been unsuccessful in ensuring attendance in an approved program, the matter may be referred to a body such as a Children's Panel. While this panel would have relatively wide discretionary powers, with respect to resolving the issue of truancy, its orientation

should be towards investigating the causes of truancy and providing an open forum for the opinions of the student, parent, school board and others to be heard.

Should the truancy persist, the Panel may refer the matter to the Attorney General for prosecution under the *School Act*.

three The Role of The Community

Discussion and Submissions

In any discussion of the role of the community it must first be determined what is meant by "community". Is it the "school community" or the larger "community and society"? What is the nature of the community (e.g., urban or rural)? Does it have a particular ethnic or cultural character (e.g., native community)?

For the purpose of this paper, the term "community" is intended to include electors, the church, the business community, community groups and organizations, universities, public colleges and technical institutes.

Many of the submissions advocating a role for the community relate to the business community's contribution to the financing of education. Some recommendations see the concept of the "community" as a philosophical community which would allow for the amalgamation of separate school boards whose boundaries do not adjoin. To reflect the views of a particular philosophical community, it has been recommended that the new *School Act* endorse a spiritual component in the education of all children.

The Gallup Poll clearly indicated a strong community desire to see moral and ethical values brought back into our school system. Within the context of the discussion on the attitudes, skills and knowledge required by students, the Secondary Program Review acknowledges that value issues and ethical dimensions cannot be ignored in the secondary school. It contends, however, that the school should not assume the primary responsibility for the development of desirable personal characteristics.

THE ROLE OF THE COMMUNITY

1) **consistent with the purpose of education and the role of schools, individual components of the community which benefit from the system of education share a responsibility to contribute to the continuing development and improvement of education;**

2) **consistent with the Goals of Education, the community has a role to play in its contribution to the moral and ethical values of the educational system;**

3) **members of the community have a responsibility to contribute to the financing of education through local taxation;**

4) **educational policy should be developed at the provincial level, but must be flexible enough to allow for local community input and regional application.**

Principles

1) **To promote and encourage the continued development of a strong public system of education, the Programs of Studies must reflect values and ethics acceptable to Albertans, given the pluralistic nature of our society.**

2) **In applying the Programs of Studies to meet the needs of the local community, local school jurisdictions should reflect local values and ethics.**

3) **To ensure that the decision to establish and dissolve a separate school district is reflective of the views of the majority of the minority faith community voting in a district, electoral processes must be developed which will truly reflect the wishes of the minority faith community.**

Implications

At present, separate school districts may be established by the majority vote of those present and voting at a poll to establish the district. This may represent as few as three individuals making decisions which affect *all* persons of the minority faith in a particular district. Electoral processes must ensure that the eligible electors are directly notified of the intent to establish a district and the financial and educational results of such a district being formed. It may be appropriate to require a plebiscite prior to the establishment of a separate district.

Recent studies point to some major concerns with respect to the education of natives in Alberta. The local community involvement in the contribution to and application of the Programs of Studies could have major benefits in communities in Northern Alberta which have a high Native population.

one

The Role of Superintendents of Schools

Discussion and Submissions

The submissions indicated that members of the public do not have strong views on the role of Superintendents of Schools. The Conference of Alberta School Superintendents, the Association of School Business Officials of Alberta and the Alberta School Trustees' Association have communicated their particular views on the role of the Superintendent which were found to be most useful in the development of the principles that follow.

Historically, the role of Superintendents of Schools evolved from Provincial school inspectors. This has more recently been translated through the role of School Boards in the management and administration of school systems. For the most part, submissions from the educational community support the continuation of locally based professional advice, administration and supervision.

The current *School Act* provides that a Superintendent of Schools is Executive Officer of the Board appointed either by the Board (with Ministerial approval) or by the Minister directly.

There are no constitutional guarantees for separate or public Superintendents of Schools. In its review of the *County Act*, Alberta Municipal Affairs and Alberta Education are examining the ambiguity between the role of the municipal secretary (as set out in s.15 of the *County Act*) and the Superintendent of Schools under the *School Act* —: Is the Superintendent hired to assist the municipal secretary, or is the Superintendent's position and those of his subordinates outside the realm of section 15?

In making the following recommendations with respect to a role for Superintendents of Schools, it is recognized that the recommendations for review of the *County Act* may influence and perhaps shift this perceived role for a Superintendent.

THE ROLE OF SUPERINTENDENTS OF SCHOOLS

1) **the Superintendent of Schools is the chief executive officer of the school jurisdiction;**

2) **consistent with this role, he or she (as representative of the Board) is responsible for the overall management and administration of a school jurisdiction;**

3) **as chief executive officer of the Board, the Superintendent of Schools is accountable to the Board;**

4) **the Superintendent of Schools is also the educational leader in the school jurisdiction and, as such, is accountable to the Board and to the Province in the exercise of this function;**

5) **as the educational leader in the community, the Superintendent of Schools is responsible for ensuring community involvement in the school and the communication of school board policies.**

Principles

1) **The Province endorses the concept of the appointment of Superintendents of Schools by school jurisdictions. However, the option of requesting a provincially-appointed Superintendent of Schools should be available to Boards.**

2) **The Province should determine, through Regulation, the professional qualifications of a Superintendent of Schools as they relate to the function of "educational leader".**

3) **The duties of a Superintendent of Schools should be determined through agreement with each individual school board.**

Implications

Generally, these principles recognize that the system of locally appointed Superintendents of Schools works well. They endorse the concept of more flexibility in the management and administration of schools by local jurisdictions while recognizing the Province's role in the certification of the Superintendent. Some submissions have argued that some consideration should be given to the appointment of the Superintendent for a fixed term.

The *County Act* and the role of the Board of Education and the relationship of the municipal secretary to the Superintendent of Schools will require detailed examination, and is part of on-going discussions between Alberta Municipal Affairs and Alberta Education.

two The Role of School Principals

Discussion and Submissions

Generally, submissions and discussions focused upon the role of School Principals from two different perspectives:

1) as an extension of the administration, responsible to the local Superintendent of Schools; and

2) as an extension of the teaching force, and therefore an educational leader who is also an administrator.

Concern was expressed that School Principals are currently appointed on a permanent basis with the inherent rights to a Board of Reference hearing should a board decide to terminate the appointment. Some recommendations suggest that School Principals should be appointed for a fixed term with the option of renewal upon recommendation of an advisory committee of colleagues, in much the same way as Deans and Chairmen are appointed at the universities. This orientation would not view stepping back into the classroom as a demotion but would require some examination of the salary implications.

The nature and administrative composition of different school jurisdictions and the size and location of their various schools create different expectations for different School Principals. In a large urban high school, for example, the School Principal performs more of an administrative function than a School Principal in a small rural school.

The *School Act* currently provides that the board must designate one teacher to be the principal of each school but provides no direction as to the expectations or training of principals.

The submissions received seem to vary in the perceived role of a School Principal, although those who saw the Principal as an administrator seemed consistent in their views that he/she should not be a member of the bargaining unit within the Alberta Teachers' Association. Some view the future role of a School Principal as an agent of the community and of his/her profession (i.e. the teaching profession).

There is currently no legal basis for the establishment of the school as a separate legal entity, or for a distinct role for the School Principal. Any authority that School Principals currently enjoy emanates from the authority of the board, and their position as employee and agent of the board.

THE ROLE OF SCHOOL PRINCIPALS

1) **the primary role of the School Principal is as the educational leader in the school and the local school community;**

2) **the selection of a School Principal should be based upon his/her leadership abilities with respect to teachers, parents and members of the community;**

3) **a School Principal should make a meaningful contribution in choosing members of the educational staff and in evaluating staff members;**

4) **a School Principal has a responsibility, through delegation of board authority, to ensure that the Programs of Studies are being adhered to and offered in a way that meets local needs;**

5) **as the key liaison between school and the community in the educational system, the School Principal protects the interests of students in their interaction with other agencies.**

Principles

1) **While Role (1) above describes the School Principal as "the educational leader of the**

school", this description does not exclude the administrative component of the position. The principal is, in fact, an instructional leader with strong administrative skills.

2) **In viewing the School Principal as an educational leader, it is appropriate to draw from the best of the teaching profession in making an appointment of a Principal.**

3) **Community support systems should be in place to assist School Principals in the performance of their role as educational leaders in their school communities.**

4) **The School Principal is the key implementor of educational policy at the local level.**

5) **The appointment of a Principal should continue to be viewed as a promotion from the teaching staff.**

6) **The Principal would continue to be a member of the administration of a school jurisdiction, accountable to the Superintendent of Schools.**

Implications

These principles reflect an enhanced role for the School Principal which should be recognized in the *School Act*. Some consideration should be given to the development of training programs which meet the needs of School Principals in educational leadership, community liaison and administration.

The *School Act* should require the creation of School Councils or Advisory Committees in which the School Principal would be a key participant. While these would not be autonomous bodies, their authority in influencing board decisions will determine the extent of community input.

The dismissal of a School Principal is currently subject to the review and assessment of a Board of Reference. In recognition of the leadership role of the School Principal, some consideration should be given to removing the authority of a Board of Reference with respect the designation of a School Principal. Dismissal of the Principal as a teacher, however, should remain subject to the review of a Board of Reference.

three The Role of Teachers

Discussion and Submissions

There were few submissions which addressed the role of the teacher in the education system. While the Provincial teachers' association presented its view, very few individual teachers responded to the request that individuals participate in the development of Principles which would form the basis of new educational legislation.

Concern has been expressed that teacher ethics should be described in relation to students, rather than toward the "system" as it exists at present.

Currently the *School Act* provides for no specific role for teachers, nor does it recognize the incredibly important task and responsibility which our society has given to teachers. As it relates to teachers, the current *School Act* is effectively labour legislation dealing with the hiring, transfer, dismissal, discipline and conditions of employment of teachers. In addition to the protection afforded teachers in the *School Act*, teachers have the benefit of the protection of the *Labour Relations Act*. It is a recommendation of the Provincial teachers' association that the *School Act* also extend protection to teachers under the *Employment Standards Act*. Very few, if any, members of professional organizations are protected as well as teachers.

It is inappropriate that the *School Act* does not address a role for teachers within the educational system.

THE ROLE OF TEACHERS

1) **consistent with the Purpose of Education, a teacher's primary responsibility is to encourage and foster learning in students;**

2) **the primary role of a teacher is to promote the Goals of Education through the teaching of the Programs of Studies;**

3) **teachers have the primary role in the instruction and evaluation of students;**

4) **as a key participant in the "partnership in education", individual teachers have a role to play in contributing to the development of provincial and local educational policy and to the development of educational programs;**

5) **consistent with a concept of the flexibility of local schools, teachers have a responsibility to apply the Programs of Studies to meet the individual needs of students and the local community.**

Principles

1) **The primary interest of teachers is directed to the welfare of their individual students and the fostering of student learning.**

2) **While teachers are essential in the learning process, they must work cooperatively with parents in the education of their children.**

3) **The professional ethics of teachers must relate primarily to the welfare of their clients (their students) and the protection of the public interest.**

4) **Recognizing the future's orientation of our society and the major role of teachers in the maintenance of quality education, teachers have a responsibility to continue their professional upgrading throughout their teaching careers.**

5) **The evaluation of students must serve to create in a student a positive but realistic image of himself or herself.**

6) **Everyone who teaches or trains students in an approved school must be professionally qualified.**

Implications

While the *School Act* must recognize the importance of the teacher in the learning of students, the *Teaching Profession Act* and the Code of Ethics must be reviewed within the context of the teacher's professional role.

The process of evaluation of teachers, teacher preparation, in-service and professional upgrading should be addressed in light of these Principles. In responding to the individual needs of students, particularly with respect to the special needs students, teachers must have the ability to acquire specific competency in assessing individual student needs, in developing individual programs to meet the needs of students (under the direction of the School Principal), and in coordinating the services provided by other educational personnel with respect to meeting the needs of those particular students.

Conclusion

While the time had come to reassess our legislation to ensure that the system of education is truly reflective of the needs and goals of Albertans during the next decade, the general overview is that the educational system is sound. The Gallup Poll indicates that 76% of Albertans polled consider that the system of education is good. This opinion is reiterated in the Canadian Education Association poll conducted throughout Canada in 1984. While we can take pride in our present system, the dynamic nature of present and future society will require that the educational system maintain an anticipating and adaptive pose. Neither the administrative structure and its schools, nor the services which it renders should be expected to remain static. If education is to serve the needs of a changing society, it must constantly identify and anticipate social needs and provide services which society and its members perceive as appropriate. It is the role of legislation to reflect those needs.

Human society has generally accepted the concept that education is a means by which the positive development of human behavior may be achieved. By fulfilling individual needs for emotional and intellectual development, and by providing students with the necessary skills and knowledge, education can provide the means by which **individuals cannot only adapt to social change but also direct it.**

Responses

It is important to stress that this Principles Paper contains the principles which the Minister of Education proposes to the members of the public and members of the educational community as a guide to legislative change. They do not, however, represent a "Final Position" on any one issue. They are proposed within the context of a Principles Paper in order to stimulate debate and discussion on the Principles and to solicit the views of the public and the educational community. The involvement of all Albertans in discussion of these Principles is strongly encouraged.

Next Steps

Much of what follows will depend upon the public and educational system's reaction to the Principles proposed in this Paper. It is our intention to analyze and summarize the responses we receive. Members of the Policy Advisory Committee will conduct hearings throughout Alberta in order to hear the views of Albertans on the Principles.

Prior to the preparation of the legislation, a summary of the Principles to be reflected in the legislation will be publicly released. Thereafter, legislation is expected to be introduced in the Legislature during the Spring Sitting, 1985.

Appendix I
The Goals of Basic Education for Alberta

Introduction

Goals are statements which indicate what is to be achieved or worked toward. In relation to basic education, goals serve several functions:

(1) they identify the distinctive role of the school and its contribution to the total education of youth;

(2) they provide purpose and direction to curriculum planning, implementation and evaluation;

(3) they enable parents, teachers and the community at large to develop a common understanding of what the schools are trying to achieve.

Society must periodically re-examine the goals of its schools. Changes in emphasis and minor adjustment of the basic goals may be required from time to time to keep pace with social change.

This statement of goals is to direct education for Grades 1 through 12 in Alberta schools. It is the basis from which specific objectives for various subjects and grades shall be developed.

While the school makes a very important contribution to education, it is only one of the agencies involved in the education of youth. The home, the church, the media and community organizations are very significant influences on children. It is useful, therefore, to delimit the role of schooling in education. Education refers to all the learning experiences the individual has in interacting with the physical and social environment; it is a continuing and lifelong process. Schooling, which has a more limited purpose, refers to the learning activities planned and conducted by a formally structured agency which influences individuals during a specified period. There is, of course, a very close relationship between schooling and education — the learning which occurs in school influences and is influenced by what is learned outside the school.

Goals of Schooling

Schooling, as part of education, accepts primary and distinctive responsibility for specific goals basic to the broader goals of education. Programs and activities shall be planned, taught and evaluated on the basis of these specific goals in order that students:

— Develop competencies in reading, writing, speaking, listening and viewing.

— Acquire basic knowledge and develop skills and attitudes in mathematics, the practical and fine arts, the sciences, and the social studies (including history and geography), with appropriate local, national and international emphasis in each.

— Develop the learning skills of finding, organizing, analyzing and applying information in a constructive and objective manner.

— Acquire knowledge and develop skills, attitudes and habits which contribute to physical, mental and social well-being.

— Develop an understanding of the meaning, responsibilities, and benefits of active citizenship at the local, national and international levels.

— Acquire knowledge and develop skills, attitudes, and habits required to respond to the opportunities and expectations of the world of work.

Because the above goals are highly interrelated, each complementing and reinforcing the other, priority ranking among them is not suggested. It is recognized that in sequencing learning activities for students some goals are emphasized earlier than oth-

ers; however, in relation to the total years of schooling, they are of equal importance.

In working toward the attainment of its goals, the school will strive for excellence. However, the degree of individual achievement also depends on student ability and motivation as well as support from the home. Completion of diploma requirements is expected to provide the graduate with basic preparation for lifelong learning. Dependent on program choices, the diploma also enables job entry or further formal study.

Goals of Education

Achievement of the broader goals of education must be viewed as a shared responsibility of the community. Maximum learning occurs when the efforts and expectations of various agencies affecting children complement each other. Recognizing the learning that has or has not occurred through various community influences, among which the home is most important, the school will strive to:

- Develop intellectual curiosity and a desire for lifelong learning.
- Develop the ability to get along with people of varying backgrounds, beliefs and lifestyles.
- Develop a sense of community responsibility which embraces respect for law and authority, public and private property, and the rights of others.
- Develop self-discipline, self-understanding, and a positive self-concept through realistic appraisal of one's capabilities and limitations.
- Develop an appreciation for tradition and the ability to understand and respond to change as it occurs in personal life and in society.
- Develop skills for effective utilization of financial resources and leisure time and for constructive involvement in community endeavors.
- Develop an appreciation for the role of the family in society.
- Develop an interest in cultural and recreational pursuits.
- Develop a commitment to the careful use of natural resources and to the preservation and improvement of the physical environment.
- Develop a sense of purpose in life and ethical or spiritual values which respect the worth of the individual, justice, fair play and fundamental rights, responsibilities and freedoms.

The ultimate aim of education is to develop the abilities of individuals in order that they might fulfill their personal aspirations while making a positive contribution to society.

Appendix II
Categories of Private Schools

Schools approved by the Minister of Education under section 10 of the Department of Education Act, RSA 1980, are classified by Alberta Regulation 243/70 in the following categories:

Category I:

Private schools which offer courses of study that have been approved or prescribed by the Minister, and employ only teachers holding valid Alberta teaching certification. Category I schools are eligible for grants from Alberta Education.

Category II:

Private schools which offer educational and training services, that are acceptable to the Minister, to pupils who are handicapped. Category II schools are eligible for grants from Alberta Education.

Category III:

Private schools which operate at times other than normal school hours. They offer courses of study in a language other than English, approved or prescribed by the Minister. At the senior high school level, if the school wishes to offer high school credits in a language, they must employ teachers holding a valid Alberta teaching certificate. Category III schools are not eligible for grants from Alberta Education, although they can apply for grants from Alberta Culture.

Category IV:

Private schools offer courses of study that have been approved or prescribed by the Minister. They are not required to employ as teachers persons holding a valid Alberta teaching certificate. Category IV schools are not eligible for grants and cannot offer high school credits.

Appendix III
The Management and Finance Plan

The goal of the Management and Finance Plan (MFP) is to increase the responsiveness of the total educational system to the changing needs of students, parents and society generally. Central to the Management and Finance Plan is a greater emphasis on a partnership relationship between school boards and the Province in the planning, delivery and assessment of educational programs.

The Management and Finance Plan streamlines the funding process and provides greater responsibility and flexibility to school boards in determining how public funds will be used to meet the educational needs of students. A simplified grant claim and payment process has been designed and implemented. Certain functions have been decentralized to Regional Offices of Education; for example, approval of selected programs and school grants budgets. A number of special needs grants have been combined; Boards have the flexibility to determine the type of program required by the student and the application of these grants to the programs.

Alberta Education has outlined provincial program and evaluation policies, guidelines and procedures which establish broad provincial directions and expectations for school jurisdictions. School authorities are expected to develop complementary policies, guidelines and procedures if they wish to utilize provincial funds.

Five evaluation policies have been established and school districts are to produce annual public reports. The evaluation policies set out the roles and responsibilities of school jurisdictions and of Alberta Education in the evaluation of students, teachers, programs, schools and school systems. The annual reports will outline the results of programs and the benefits to the student. The information will provide a base for planning and improvement to the education system.

POOR

QUALITY

ORIGINAL